

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

OLLIE BLAND STEWART)	CASE NO. 08-06017-GP3-7
JAMYE SUE STEWART)	CHAPTER 7
DEBTORS.)	JUDGE PAINE

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: Aug. 31, 2009
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: Sept. 29, 2009
at 9:00 a.m., Courtroom I, Customs House, 701 Broadway, Nashville, TN 37203.

**TRUSTEE'S NOTICE OF MOTION TO RETRIEVE AND RE-OPEN CASE,
DEFER COSTS AND SET ASIDE NO-ASSET REPORT**

Michael Gigandet, the Chapter 7 trustee, has asked the court for the following relief: TO RETRIEVE AND RE-OPEN CASE, DEFER COSTS AND SET ASIDE NO-ASSET REPORT

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion, or if you want the court to consider your views on the motion, then on or before Aug. 31, 2009, you or your attorney must:

1. File with the court your written response or objection explaining your position at:

By Mail: U. S. Bankruptcy Court, 701 Broadway, Room 160, Nashville, TN 37203

In Person: U. S. Bankruptcy Court, 701 Broadway, 1st floor, Nashville, TN

2. **Your response must state that the deadline for filing responses is Aug. 31, 2009, the date of the scheduled hearing is Sept. 29, 2009 and the motion to which you are responding is trustee's motion to retrieve and re-open case, defer costs and set aside no-asset report.**

If you want a file stamped copy returned, you must include an extra copy and a self-addressed, stamped envelope.

3. You must also mail a copy of your response to:
Michael Gigandet, Trustee, 208 Centre Street, Pleasant View, TN 37146
U. S. Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37203
Debtors, Ollie and Jamye Stewart, 4793 Arnold Dr., Murfreesboro, TN 37129
Debtors' Attorney, Nicholas Burgett, 237 French Landing Drive, Nashville, TN 37228

If a timely response is filed, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's

Office at 615-736-5584 or viewing the case on the Court's web site at >www.tnmb.uscourts.gov>. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

/s/ Michael Gigandet

Date: Aug. 10, 2009

Signature _____
Michael Gigandet, #011498
208 Centre Street
Pleasant View, TN 37146
Phone: (615) 746-4949
Fax: (615) 746-4950
Mgigandet@mgigandetlaw.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

OLLIE BLAND STEWART)	CASE NO. 08-06017-GP3-7
JAMYE SUE STEWART)	CHAPTER 7
DEBTORS.)	JUDGE PAINE

TRUSTEE'S MOTION TO RETRIEVE AND RE-OPEN CASE,
DEFER COSTS AND SET ASIDE NO-ASSET REPORT

Comes now Michael Gigandet, the duly appointed Chapter 7 trustee, and files this his motion to retrieve and re-open this case, defer costs of the re-opening, and set aside his no asset report filed on March 19, 2009.

As grounds for his motion, the trustee would state that after the filing of the no-asset report, the trustee discovered certain state court litigation in which the debtors have an interest and which might result in substantial funds for distribution to the estate's unsecured creditors. The litigation was not reported in the debtors' chapter 7 bankruptcy schedules.

Respectfully submitted,

LAW OFFICE OF MICHAEL GIGANDET

/s/ Michael Gigandet

Michael Gigandet, Trustee #11498
208 Centre Street
Pleasant View, TN 37146
615-746-4949
Fax: 615-746-4950
Mgigandet@mgigandetlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded by U. S. Mail, 1st class postage prepaid to the U. S. Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37203, to the debtors, to the debtors' attorney and to all creditors and all interested parties, per the mailing matrix attached to and filed with the original of this document, on this the 10th day of August, 2009.

/s/ Michael Gigandet

Michael Gigandet, Trustee

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

OLLIE BLAND STEWART)	CASE NO. 08-06017-GP3-7
JAMYE SUE STEWART)	CHAPTER 7
DEBTORS.)	JUDGE PAINE

**PROPOSED ORDER RETRIEVING AND RE-OPENING CASE, DEFERRING
COSTS OF THE RE-OPENING, AND SETTING ASIDE NO-ASSET REPORT**

Upon the notice and motion of Michael Gigandet, the Chapter 7 trustee, to retrieve and re-open this closed case, defer the costs of re-opening, and to set aside the no-asset report filed on March 19, 2009, for the purpose of administering a possible asset, and there being no objections filed thereto;

It is therefore **ORDERED, ADJUDGED and DECREED** that this case shall be and is hereby re-opened.

It is further **ORDERED, ADJUDGED and DECREED** that all costs associated with the re-opening of this case shall be and are hereby deferred.

And it is further **ORDERED, ADJUDGED and DECREED** that the no-asset report filed by the Chapter 7 trustee on March 19, 2009 shall be and is hereby set-aside.

ENTERED this the ____ day of _____, 2009.

U.S. BANKRUPTCY JUDGE

APPROVED FOR ENTRY:

LAW OFFICE OF MICHAEL GIGANDET

Michael Gigandet, Trustee #11498
208 Centre St.
Pleasant View, TN 37146
615-746-4949
Fax: 615-746-4950
Mgigandet@mgigandetlaw.com

Label Matrix for local noticing
0650-3
Case 3:08-bk-06017
MIDDLE DISTRICT OF TENNESSEE
Nashville
Thu Aug 6 10:12:29 CDT 2009

Recovery Management Systems Corporation
25 S.E. 2nd Avenue
Suite 1120
Miami, FL 33131-1605

AMERICAN GENERAL
1312 MEMORIAL BLVD
Murfreesboro TN 37129-2480

DELL FINANCIAL SERVICES
P.O. BOX 81577
Austin TX 78708-1577

FINGERHUT
PO BOX 166
Newark NJ 07101-0166

LOWES
PO BOX 79
Atlanta GA 30301-0079

SALLIE MAE
PO BOX 9500
Wilkes Barre PA 18773-9500

SPRINT
P.O. BOX 650270
Dallas TX 75265-0270

JAMYE SUE STEWART
4793 ARNOLD DRIVE
Murfreesboro, TN 37129-7707

OLLIE BLAND STEWART
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Taylor, Bean & Whitaker
1417 North Magnolia Avenue
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BENEFICIAL
PO. BOX 4153-K
Carol Stream IL 60197

EXPRESS LOANS
1004 MEMORIAL BLVD, STE E
Murfreesboro TN 37129-2407

HEIGHTS FINANCE
1744 W NORTHFIELD BLVD
Murfreesboro TN 37129-1702

NATHANIEL KEITH MURRAY
134 TRIBBLE LANE
Lebanon TN 37087-4618

SAN DIEGO DEPT. OF CHILD SUPPORT
PO. BOX 122031
San Diego CA 92112-2031

TAYLOR, BEAN & WHITTAKER
1417 NORTH MAGNOLIA AVENUE
Ocala FL 34475-9078

MICHAEL GIGANDET
LAW OFFICE OF MICHAEL GIGANDET
208 CENTRE ST
PLEASANT VIEW, TN 37146-7053

End of Label Matrix
Mailable recipients 27
Bypassed recipients 0
Total 27

Dell Financial Services, LLC
c/o Resurgent Capital Services
PO Box 10390
Greenville, SC 296030390

CitiFinancial Auto Corporation
P.O. Box 182287
Columbus OH 43218-2287

CITIFINANCIAL AUTO
PO BOX 9575
Coppell TX 75019-9509

EXXON MOBIL
PO BOX 530962
Atlanta GA 30353-0962

HOMETOWN LOANS
1009 MEMORIAL BLVD
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Miami, FL 33131-1605

SEARS
PO BOX 6189
Sioux Falls SD 57117-6189

US TRUSTEE
OFFICE OF THE UNITED STATES TRUSTEE
701 BROADWAY STE 318
NASHVILLE, TN 37203-3966

NICHOLAS K BURGETT
CLARK & WASHINGTON PC
237 FRENCH LANDING DRIVE
NASHVILLE, TN 37228-1601